IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

FIRST APPEAL NO.1562 OF 2007

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr.Dalpatram Bhagwat Prasad appellant in person.

Mr.P.K.Vyas for respondents.

CORAM : ANOOP V. MOHTA,J.

DATED : 31st July, 2007

P.C.

Considering the fact that the City Civil Court Suit No.7930/73 which is pending since 1973 was dismissed by a single line order on 23.8.2005 as the plaintiff/appellant sought further adjournment and further failed to file affidavit of evidence and as; the suit is in respect of suit premises with basic prayer of perpetual injunction and other connected interim reliefs against the respondent and; as pending the suit, as contended by the appellant, who is appearing in person, who was also dispossessed, a

contempt proceeding is also pending arising out of the same proceeding, I am inclined to set aside the impugned order of dismissal of the suit.

The appellant is aged about 86 years and, therefore, in this background, I am also granting his prayer of early disposal of the suit apart from the restoration of the suit.

Taking all this into consideration, the impugned judgement/order dated 23.8.2005 is quashed and set aside. The Suit is restored to the file along with all proceedings.

The appellant and respondents to appear before the City Civil Court, Bombay on 10th September, 2007. The learned Judge to hear the matter after giving full opportunity to the parties and dispose of the suit as well as all pending

proceedings, if any, including contempt, preferably within six months.

The appeal is allowed accordingly.

No costs.

[ANOOP V. MOHTA,J.]